

EXHIBIT



SUPREME COURT OF THE STATE OF NEW YORK



NEIL JON FIRETOG
ADMINISTRATIVE JUDGE
SECOND JUDICIAL DISTRICT SUPREME COURT

COUNTY OF KINGS
OFFICE OF THE CHIEF CLERK
360 ADAMS STREET
BROOKLYN, NEW YORK 11201
(718) 643-5268

JAMES F. IMPERATRICE
CHIEF CLERK
CRIMINAL TERM

THOMAS R. KILFOYLE
CHIEF CLERK
CIVIL TERM

May 21, 2004

Mr. Allen Porter
96A0854
PO Box 4000
Stormville, New York 12582-0010

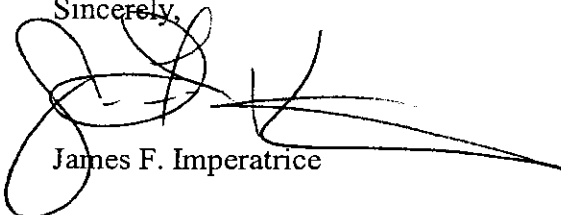
We are writing in response to your letter to the Administrative Judge of the Kings County Supreme Court questioning the sentence of Adrian Diaz, SCI 12753/93.

Our records show that Mr. Diaz plead guilty to Criminal Possession of a Controlled Substance in the 7th Degree, a Class A Misdemeanor, and was sentenced to three years probation by Judge Meyers.

In your letter you indicated that, when asked, Rosa Wilson, a supervisor in the Department of Probation, informed your investigator that it appeared that the defendant's probation had been extended to five years. However, when we contacted the Department of Probation, Ms. Wilson informed us that no violation of probation had been filed and that the apparent extension of probation reflected in their records was the result of a clerical error.

For your further edification, a Certificate of Disposition regarding this matter is attached.

Sincerely,



James F. Imperatrice

SUPREME COURT OF THE STATE OF NEW YORK NO FEE
KINGS COUNTY
360 ADAMS STREET
BROOKLYN, NY 11201

CERTIFICATE OF DISPOSITION - SUPERIOR COURT INFORMATION

DATE: 05/21/2004

CERTIFICATE OF DISPOSITION NUMBER: 680

PEOPLE OF THE STATE OF NEW YORK
VS.

CASE NUMBER: SCI-12753-93
LOWER COURT NUMBER(S): 93K052543
DATE OF ARREST: 10/14/1993
ARREST #: K93056484
NYSID #: 7523155Q
DATE OF BIRTH: 07/04/1974

DIAZ, ADRIAN

DEFENDANT

I HEREBY CERTIFY THAT IT APPEARS FROM AN EXAMINATION OF THE RECORDS ON FILE IN THIS OFFICE THAT ON 11/01/1993 BEFORE THE HONORABLE MEYER, A THEN A JUDGE OF THIS COURT, THE ABOVE NAMED DEFENDANT ENTERED A PLEA OF GUILTY TO THE CRIME(S) OF

CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE 7th DEGREE PL 220.03 00 AM (CRACK)

THAT ON 12/15/1993 THE ABOVE NAMED DEFENDANT WAS SENTENCED BY THE HON. MEYER, A , THEN A JUDGE OF THIS COURT TO

CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE 7th DEGREE PL 220.03 00 AM (CRACK)
PROBATION = 3 YEAR(S)

SURCHARGE = \$5 (NOT PAID)

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL ON THIS DATE 05/21/2004.

WILBUR A. LEVIN
County Clerk

COURT CLERK

Mr. Allen Porter
96A0854
P.O. Box 4000
Stormville, New York 12582-0010

May 24, 2004

James F. Imperatrice
Chief Clerk
Criminal Term
Supreme Court, Kings County
360 Adams Street
Brooklyn, New York 11201

Re: People v. Adrian Diaz,
Kings County Supreme Court Number 12753/93

Dear Mr. Imperatrice:

Thank you for your May 21, 2004 letter regarding the above referenced case. In your letter, you explained that you contacted Probation Supervisor Rosa Wilson and learned that no violation of probation had been filed in the above referenced matter. You further explained that Supervisor Wilson informed you that "the apparent extension of probation reflected in their records was the result of a clerical error."

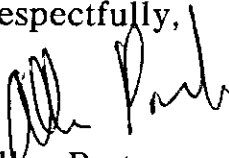
However, a CRIMS Search performed by the New York City Office of Court Administration indicates this case was adjourned to "December 31, 1999 for final judgment. " I was informed by counsel for the Office of Court Administration that the information contained in its CRIMS Search comes directly from information provided by this court. Consequently, I ask that you please inform me (1) why the defendant's case was adjourned to December 31, 1999 for final judgment, (2) who entered that judgment, and (3) what it consisted of.

Finally, I ask that you please provide me with a copy of the **notice to appear** (C.P.L. §410.40 (1)) and/or **warrant** (C.P.L. §410.40 (2)) I was informed was issued in this case.

I thank you for your time and look forward to hearing from you soon.

James F. Imperatrice
May 24, 2004
Page 2

Respectfully,



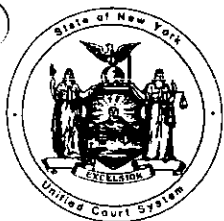
Allen Porter

cc: Honorable Neil Jon Firetog
Administrative Judge
Supreme Court, Kings County
360 Adams Street
Brooklyn, New York 11201

Honorable Johnathan Lippman
Administrative Judge
New York City Office of Court Administration
25 Beaver Street
New York, New York 10004

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF KINGS
OFFICE OF THE CHIEF CLERK
360 ADAMS STREET
BROOKLYN, NEW YORK 11201
(718) 643-5268



NEIL JON FIRETOG
ADMINISTRATIVE JUDGE
SECOND JUDICIAL DISTRICT SUPREME COURT

JAMES F. IMPERATRICE
CHIEF CLERK
CRIMINAL TERM

THOMAS R. KILFOYLE
CHIEF CLERK
CIVIL TERM

July 6, 2004

Mr. Allen Porter
96A0854
PO Box 4000
Stormville, New York 12582-0010

Dear Mr. Porter:

I received your letter dated May 24, 2004, thanking me for the information we provided you with regard to the violation of probation filed against Mr. Adrian Diaz. I am also in receipt of your letter of June 12, 2004, to the Honorable Jonathan Lippman which has been forwarded to this court for a response.

First, I would like to begin by apologizing for the problems you have encountered in your efforts to obtain information regarding the Adrian Diaz case and will now attempt to address the issues you raised in both letters, starting with those in your May 24, 2004, letter to me.

The defendant, Adrien Diaz, was sentenced on December 15, 1993, to three years probation and a crime victim's assistance fee of \$5.00 to be paid by February 9, 1994. At the time of sentencing, it was the court's practice to allow additional time to pay the fee and a final payment date of December 31, 1999, was set. As the fee was not paid by the final payment date, a judgment for failure to pay the \$5.00 crime victim's assistance fee was automatically entered by the court in the Kings County Clerk's Office. (This judgment can be easily satisfied by paying the \$5.00 fee.) As I indicated in my letter of May 21, 2004, since the violation of probation was the result of a clerical error on the part of the Department of Probation, the court file indicates that neither a notice to appear nor a warrant was issued in this case.

Hopefully, the concerns you raised in your letter to the Honorable Jonathan Lippman regarding the violation of probation were adequately addressed in my letter of May 21 referred to above. However, in your letter to Judge Lippman, you also mentioned that the court retained a \$5.00 money order that you submitted to pay for court documents which you requested but never

Mr. Allen Porter

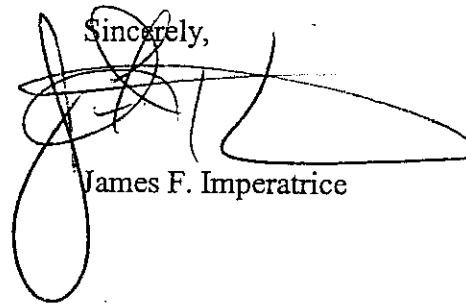
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July 6, 2004

received. To rectify that situation, I am enclosing a refund order for that amount. Please sign the order and return it to me and I will see that it is processed for payment.

Again, I apologize for the problems you have encountered in your efforts to obtain information from the court. If any of your concerns have not been adequately addressed, I hope you will not hesitate to write directly to me.

Sincerely,

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

James F. Imperatrice

cc: Hon. Jonathan Lippman
Hon. Neil J. Firetog



SUPREME COURT OF THE STATE OF NEW YORK

CRIMINAL TERM CORRESPONDENCE UNIT

360 ADAMS STREET, ROOM 1047

BROOKLYN, NEW YORK 11201

July 6, 2004

Dear Mr. Diaz,

Attached is the refund request for five dollars paid into this court on 5-12-2004. Please fill in your name and mailing address in box #4, and sign, date, and enter your social security number in box #6.

Return this form to me in the enclosed envelope and I will process your claim promptly.

Sincerely,


Timothy M. Loughlin
Associate Court Clerk

STATE OF NEW YORK - UNIFIED COURT SYSTEM
REQUEST FOR REFUND OF FEES/FINES PAID INTO COURTDate 07-06-2004TO: NY STATE OFFICE OF THE STATE COMPTROLLER
Appropriate UCS District /Administrative Office (for refunds of State fees) or Local Government Official (for refunds from local monies)DIVISION OF LAW AND ADJUSTMENTFROM: CASHIER - KINGS SUPREME COURT
Chief Clerk or Authorized DesigneeROOM 1047, 360 ADAMS STREET, BROOKLYN, NY 11201

2. Consistent with existing statute and the provisions of Part IV / Chapter 3.070.1 of the UCS Financial Planning & Control Manual, a request for the refund of monies previously paid into the court or agency of
- Kings Supreme Court
- is hereby submitted

Type of Proceeding: Criminal
Index or Docket No: SCI# 12753-93
Orig. Amount Paid: Five (5) dollars
Date Paid: 5-12-2004
Receipt No: 32956REASON FOR REFUND: Defendant was inadvertantly provided with material other than that which was requested.

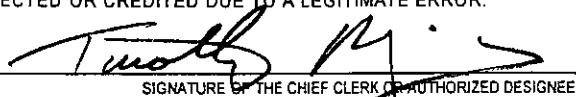
(ATTACH COPY OF RECEIPT AND ANY OTHER APPROPRIATE DOCUMENTATION)

THE MONIES TO BE REFUNDED WERE PREVIOUSLY TRANSMITTED FOR CREDIT TO THE (CHECK ONE AND COMPLETE AS APPROPRIATE):

- 3.
- ☒
- STATE OF NEW YORK
- ☐
- COUNTY OF: _____
- ☐
- CITY/TOWN OF: _____

NAME AND ADDRESS AS THEY SHOULD APPEAR ON THE REFUND CHECK PAYEE NAME AND ADDRESS (LIMIT TO 5 LINES, 30 SPACES EACH)					TOTAL \$ AMOUNT	PAYEE REFERENCE TO APPEAR ON CHECK STUB (LIMIT TO 20 SPACES)
					5.00	
DEPT	REVENUE COST CENTER TO BE CHARGED	VAR	YR	OBJECT	ACCUM DEPT STATE	
05	921133		04	35274		

5. CHIEF CLERK'S / COURT MANAGER'S CERTIFICATION:
-
- I HEREBY CERTIFY THAT THE FEES REFERENCED HEREIN WERE PREVIOUSLY COLLECTED BY THIS COURT/AGENCY AND WERE TRANSMITTED FOR CREDIT TO THE GOVERNMENT ENTITY FROM WHICH THE REFUND IS TO BE ISSUED AND THAT THIS REFUND IS REASONABLE IN THAT THE FUNDS WERE COLLECTED OR CREDITED DUE TO A LEGITIMATE ERROR:



SIGNATURE OF THE CHIEF CLERK OR AUTHORIZED DESIGNEE
Associate Court Clerk
TITLE

6. CLAIMANT'S CERTIFICATION:
-
- I HEREBY CERTIFY AND AFFIRM THAT THE REASON FOR THE REFUND SET FORTH IN ITEM 2 ABOVE IS TRUE, THAT THE AMOUNT TO BE REFUNDED WAS PAID IN THIS COURT OR AGENCY BY ME OR ANOTHER AUTHORIZED AGENT OF THE FIRM I REPRESENT, AND THAT THIS REQUEST DOES NOT DUPLICATE ONE PREVIOUSLY SUBMITTED FOR THE SAME PURPOSE:

CLAIMANT'S SIGNATURE

DATE

REQUIRED: PAYEE ID (FEDERAL TAX ID OR SOCIAL SECURITY NUMBER)

IMPORTANT

-ALL SECTIONS MUST BE COMPLETED. COURT PERSONNEL SHOULD SUPERVISE THE COMPLETION OF SECTIONS 1. THROUGH 5. CLAIMANT MUST SIGN AFFIRMATION SECTION 6. FOR REFUNDS OF STATE FEES, THE COMPLETED FORM SHOULD BE SUBMITTED FOR PAYMENT TO THE APPROPRIATE UCS DISTRICT/ADMINISTRATIVE OFFICE. TO AVOID PROCESSING DELAYS, DO NOT SEND DIRECTLY TO THE STATE COMPTROLLER OR TO THE COMMISSIONER OF TAX & FINANCE. FOR THE REFUND OF MONIES PREVIOUSLY CREDITED TO GOVERNMENT ENTITIES OTHER THAN THE STATE OF NEW YORK, SUBMIT THE COMPLETED FORM TO THE APPROPRIATE LOCAL GOVERNMENT FISCAL AUTHORITY (I.E. COUNTY TREASURER, CITY COMPTROLLER). IN ALL CASES, BE SURE TO INCLUDE REQUIRED SUPPORTING DOCUMENTATION (E.G. COPY OF RECEIPT, COURT ORDER).

**Tim McLoughlin
SUPREME COURT
CRIMINAL TERM
ROOM 1047
360 ADAMS STREET 11201
BROOKLYN, NEW YORK**

Jabbar Collins
95A2646
P.O. Box 4000
Stormville, New York 12582-0010

July 13, 2004

James Imperatrice
Clerk of Criminal Term
Supreme Court, Kings County
360 Adams Street
Brooklyn, New York 11201

Re: People v. Adrian Diaz,
Kings County Information Number 12753/93

Dear Mr. Imperatrice:

I write to request that you please provide me with copies of the following records regarding the above referenced case:

- (a) The sealed/non-public docket sheet reflecting all filings in Diaz's case subsequent to December 15, 1993, regardless of whether those filings were later withdrawn or otherwise mooted.
- (b) All reports, memorandums, or other communications submitted to the court by the New York City Department of Probation notifying the court regarding the Diaz's violation of probation or requesting that the court take any form of action in the case;
- (c) The statement setting forth the conditions of probation Diaz violated, C.P.L. §410.70 (2);
- (d) The court's declaration of delinquency, C.P.L. §410.30;
- (e) All notices to appear and warrants issued in Diaz's case, C.P.L. §410.40 (1) and (2);

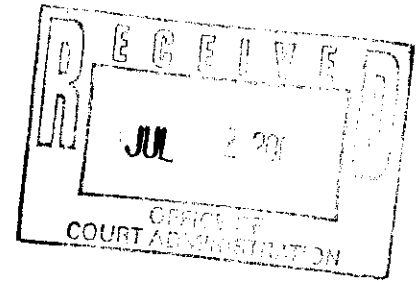
- (f) The final order adjudicating Diaz's declaration of delinquency, C.P.L. §410.70 (5);
- (g) The transcripts of all proceeding conducted in Diaz's case subsequent to December 15, 1993;
- (h) The notes or summaries of all in camera and/or ex parte conferences conducted in Diaz's case subsequent to December 15, 1993;
- (i) All requests to withdraw, moot, terminate, or otherwise annul Diaz's declaration of delinquency or to terminate Diaz's probation, C.P.L. §410.90;
- (j) All requests or motions to seal the proceedings relating to occurrences in Diaz's case subsequent to December 15, 1993;
- (k) All documents relied upon by the court to reach its decision with respect to any occurrences in Diaz's case subsequent to December 15, 1993, especially with respect to Diaz's probation term; and
- (l) Every other sealed or document possessed by the court regarding Diaz's case, including those created by or executed by a Judge of this court but not filed in the Clerk's office.

As you may know, I have a right of access to copies of these records under the First and Fourteenth Amendments to the United States Constitution as well as the common law of the United States.

Respectfully,

Jabbar Collins

Jabbar Collins
95A2646
P.O. Box 4000
Stormville, New York 12582-0010



July 19, 2004

Honorable Johnathan Lippman
Administrative Judge
New York City Office of Court Administration
25 Beaver Street
New York, New York 10004

Re: People v. Adrian Diaz
Kings County Information Number 12753/93

Dear Judge Lippman:

I write this letter as a complaint and ask that you please direct James Imperatrice, Clerk of the Criminal Term of the Supreme Court, Kings County [1] to abandon his practice of maintaining a dual docket sheet for the above referenced case, [2] to disclose all records that he or his predecessor improperly sealed -administratively- and/or failed to file so as to permit public inspection, and [3] to place those records in the case file for public inspection.

By a letter dated July 13, 2004 I wrote to the Imperatrice requesting that he provide me with copies of various records in the above referenced case [a copy of my July 13, 2004 letter to Imperatrice is annexed with this one]. I learned that these records have been improperly sealed and excluded from public review. The "sealed docket sheet" referred to above -in contrast to the public docket sheet- completely conceals from public view all occurrences in Diaz's case subsequent to February 2, 1994, and is open solely to designated court personnel.

I ask that you please remedy Imperatrice's action as requested above.

Respectfully,


Jabbar Collins

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF KINGS
OFFICE OF THE CHIEF CLERK
360 ADAMS STREET
BROOKLYN, NEW YORK 11201
(718) 643-5268



NEIL JON FIRETOG
ADMINISTRATIVE JUDGE
SECOND JUDICIAL DISTRICT SUPREME COURT

JAMES F. IMPERATRICE
CHIEF CLERK
CRIMINAL TERM

THOMAS R. KILFOYLE
CHIEF CLERK
CIVIL TERM

September 14, 2004

Mr. Jabbar Collins
95A2646
P.O. Box 4000
Stormville, New York 12582-0010

Dear Mr. Collins:

I have received a copy of your letter of July 19, 2004, addressed to the Hon. Jonathan Lippman stating that you have been unable to obtain requested court records in the matter of the People v. Adrian Diaz (Information No. 12753/93) from either the Criminal Term or me.

It appears from my records that this court has corresponded with you and with an individual named Allen Porter on numerous occasions regarding this matter. In those instances we have either provided the requested documents or explained why they do not exist.

Upon receiving a similar inquiry from Mr. Porter earlier this year, I contacted Rosa Wilson, a supervisor in the Department of Probation, to clarify the situation with regard to a violation of probation in this case. As I indicated in my May 21, 2004, letter to Mr. Porter, Ms. Wilson stated that the Department of Probation made a clerical error when it recorded that Mr. Diaz' term of probation had been extended to five-years. In that same letter, I indicated that the defendant plead guilty to Criminal Possession of a Controlled Substance in the 7th Degree and was sentenced to a three-year term of probation. I also indicated that the defendant had never violated his probation in this case and that no declaration of delinquency had ever been filed.

Because no action was taken on this matter subsequent to the December 15, 1993, sentence date, no court records were generated beyond that date. Therefore, the documents you requested do not exist. In the absence of the documents requested, I am sending a copy of the Certificate of Disposition that was provided to Mr. Porter in my letter of May 21, 2004.

Sincerely yours,

James F. Imperatrice

c: Hon. Jonathan Lippman

SUPREME COURT OF THE STATE OF NEW YORK NO FEE
KINGS COUNTY
360 ADAMS STREET
BROOKLYN, NY 11201

CERTIFICATE OF DISPOSITION - SUPERIOR COURT INFORMATION

DATE: 05/21/2004

CERTIFICATE OF DISPOSITION NUMBER: 680

PEOPLE OF THE STATE OF NEW YORK
VS.

CASE NUMBER: SCI-12753-93
LOWER COURT NUMBER(S): 93K052543
DATE OF ARREST: 10/14/1993
ARREST #: K93056484
NYSID #: 7523155Q
DATE OF BIRTH: 07/04/1974

DIAZ, ADRIAN

DEFENDANT

I HEREBY CERTIFY THAT IT APPEARS FROM AN EXAMINATION OF THE RECORDS ON FILE IN THIS OFFICE THAT ON 11/01/1993 BEFORE THE HONORABLE MEYER, A THEN A JUDGE OF THIS COURT, THE ABOVE NAMED DEFENDANT ENTERED A PLEA OF GUILTY TO THE CRIME(S) OF

CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE 7th DEGREE PL 220.03 00 AM (CRACK)

THAT ON 12/15/1993 THE ABOVE NAMED DEFENDANT WAS SENTENCED BY THE HON. MEYER, A , THEN A JUDGE OF THIS COURT TO

CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE 7th DEGREE PL 220.03 00 AM (CRACK)
PROBATION = 3 YEAR(S)

SURCHARGE = \$5 (NOT PAID)

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL ON THIS DATE 05/21/2004.

WILBUR A. LEVIN
County Clerk

COURT CLERK

EXHIBIT

B

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FIRST READY DATE

22. COUNSEL SUBSTITUTION AND ADDRESS

DATE	PT.	ENTRIES CONTINUED
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EXHIBIT

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SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF KINGS

Defendant Adrian DIAZ Indictment No. 12753-93ARRAIGNMENTDefendant advised pursuant to Section 210.15 CPL
and pleads Not Guilty.Date 12-15-04 Judge HON. ALAN L. MAYER Part 17A.D.A. Remero Counsel for Defendant SACF ☒ Present ☐ Not PresentAddress of Counsel _____
☐ Legal Aid Society ☒ Assigned under Art. 18-B County Law ☐ RetainedBail Conditions: ☐ \$ _____ Bail Continued
☐ Remanded, Bail \$ _____
☐ Remanded, No Bail ☐ R.O.R. ☒ R.O.R. Continued☐ Dismissed ☐ Abated Date _____ Judge _____ Part _____
☐ Consolidated into: _____
☐ Covered under: _____GUILTY PLEADate 12-15-04 Judge HON. ALAN L. MAYER Part 17-1
☒ Before trial ☐ During trial ☐ After trial☐ Jury TRIAL ☐ Non-jury

Judge _____ Part _____

A.D.A. _____

Counsel for defendant _____

Clerk(s) _____

Court Reporter(s) _____

Dates on Trial _____

Disposition: _____

Indictment No.(s) ☐ consolidated herein:
☐ covered herein:

Crim. Ct. Docket No.(s) covered herein:

Plea recommended by A.D.A. Remero
Counsel present SACF
Clerk Appel Bender
Court Reporter _____

Date of Disposition _____

DEFENDANT'S PEDIGREETrue Name _____ Sex ☒ Male ☐ Female Race _____

Age _____ Residence _____

PENDING SENTENCEDate 12-15
2N
☐ Remanded, No Bail ☐ Remanded, Bail \$ _____
☐ Bail Continued ☒ R.O.R. Continued☐ R.O.R.

Crime Victim No. 3
Mandatory Surcharge \$
X Surcharge \$100.00 - No record
X Surcharge \$100.00 - No record

[illegible]

**** DCSJ 1020 FOR SUP CT INFO ****

SUPERIOR COURT INFORMATION

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

XP. ADRIAN DIAZ
DEFENDANT
93K052543

SUPERIOR COURT
INFORMATION NO. 12753/93
GRAY ZONE

CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE SEVENTH DEGREE
CPCS 7 P.L. 220.03 AFO: N SEX CRIME:

AT A TRIAL TERM OF THE SUPREME
COURT OF THE STATE OF NEW YORK
HELD IN AND FOR KINGS COUNTY
AT THE KINGS COUNTY COURTHOUSE
ON THE 1st DAY OF November
1993

P R E S E N T :

HONORABLE A. Meyer

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

XP. ADRIAN DIAZ
DEFENDANT

SUPERIOR COURT
INFORMATION NO. 12753/93

IT APPEARING TO THE SATISFACTION OF THE COURT FROM THE
PROCEEDINGS HELD:

THAT THE WAIVER OF HEARING EXECUTED BY THE DEFENDANT
COMPLIES WITH THE PROVISIONS OF SECTION 180.10 OF THE CRIMINAL
PROCEDURE LAW AND THAT THE WAIVER WAS KNOWINGLY AND INTELLIGENTLY
EXECUTED BY THE DEFENDANT IN THE PRESENCE OF COUNSEL, AND FURTHER,

THAT THE WAIVER OF INDICTMENT EXECUTED BY THE DEFENDANT
COMPLIES WITH THE PROVISIONS OF SECTIONS 195.10 AND 195.20 OF THE
CRIMINAL PROCEDURE LAW AND THAT THE WAIVER WAS KNOWINGLY AND
INTELLIGENTLY EXECUTED BY THE DEFENDANT IN THE PRESENCE OF COUNSEL,

IT IS HEREBY ORDERED THAT THE DEFENDANT BE HELD FOR ACTION
OF THE GRAND JURY PURSUANT TO SECTION 180.30 OF THE CRIMINAL
PROCEDURE LAW, AND IT IS FURTHER,

ORDERED THAT THE DEFENDANT'S WAIVER OF INDICTMENT IS
APPROVED AND ACCEPTED PURSUANT TO SECTION 195.30 OF THE
CRIMINAL PROCEDURE LAW.

[Signature]
JUSTICE OF THE SUPREME COURT

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

XP. ADRIAN DIAZ
DEFENDANT

SUPERIOR COURT
INFORMATION NO. 12753/93

THE DEFENDANT STATES THAT HE HAS READ SUPERIOR COURT
INFORMATION 12753/93 AND FURTHER STATES THAT:

UNDER SECTION 180.10 OF THE CRIMINAL PROCEDURE LAW,
HE HAS A RIGHT TO A PROMPT HEARING UPON THE ISSUE OF
WHETHER THERE IS SUFFICIENT EVIDENCE TO WARRANT THE COURT
IN HOLDING HIM FOR THE ACTION OF A GRAND JURY AND;

UNDER THE CONSTITUTION OF THE STATE OF NEW YORK, HE HAS THE
RIGHT TO BE PROSECUTED BY INDICTMENT FILED BY A GRAND JURY;

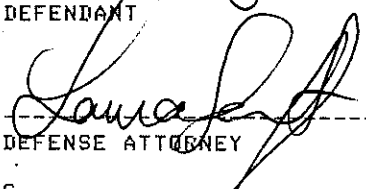
THE DEFENDANT WAIVES SUCH RIGHTS AND CONSENTS TO BE PROSECUTED
BY SUPERIOR COURT INFORMATION FILED BY THE DISTRICT ATTORNEY AND;

THE SUPERIOR COURT INFORMATION FILED SHALL CHARGE THE
FOLLOWING OFFENSE:

CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN
THE SEVENTH DEGREE

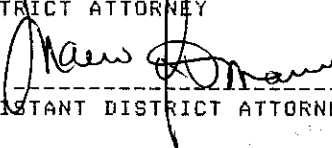
THE SUPERIOR COURT INFORMATION FILED WILL HAVE THE SAME
FORCE AND EFFECT AS AN INDICTMENT FILED BY A GRAND JURY.


DEFENDANT


DEFENSE ATTORNEY

THE DISTRICT ATTORNEY OF THE COUNTY OF KINGS
CONSENTS TO THE WAIVER OF INDICTMENT.

CHARLES J. HYNES
DISTRICT ATTORNEY

BY: 
ASSISTANT DISTRICT ATTORNEY

SUPERIOR COURT INFORMATION

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

XP. ADRIAN DIAZ
DEFENDANT
93K052543

SUPERIOR COURT
INFORMATION NO. 12753/93
GRAY ZONE

CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE
SEVENTH DEGREE

FIRST COUNT

THE DISTRICT ATTORNEY OF THE COUNTY OF KINGS BY THIS
INFORMATION ACCUSES THE DEFENDANT OF THE CRIME OF CRIMINAL
POSSESSION OF A CONTROLLED SUBSTANCE IN THE SEVENTH DEGREE (P.L.
220.03) COMMITTED AS FOLLOWS:

THE DEFENDANT, ON OR ABOUT OCTOBER 14, 1993, IN THE
COUNTY OF KINGS, KNOWINGLY AND UNLAWFULLY POSSESSED A CONTROLLED
SUBSTANCE, NAMELY: CRACK COCAINE.

CHARLES J. HYNES

DISTRICT ATTORNEY

STATE OF NEW YORK

SUPREME COURT, KINGS COUNTY

PEOPLE OF THE STATE OF NEW YORK,
PLAINTIFF

v

ADRIAN DIAZ

DEFENDANT.

WAIVER OF
RIGHT TO APPEAL

SUPERIOR COURT
INFORMATION NO. 12753/93

THE UNDERSIGNED DEFENDANT HEREBY WAIVES THE RIGHT TO APPEAL ANY PLEA AND SENTENCE. THE UNDERSIGNED EXECUTES THIS WAIVER AFTER BEING ADVISED BY THE COURT OF THE NATURE OF THE RIGHTS BEING WAIVED. THE UNDERSIGNED HAS BEEN ADVISED OF THE RIGHT TO TAKE AN APPEAL (CPL 450.10), TO PROSECUTE THE APPEAL AS A POOR PERSON AND TO HAVE AN ATTORNEY ASSIGNED IN THE EVENT THAT THE UNDERSIGNED IS INDIGENT, AND TO SUBMIT A BRIEF AND/OR ARGUE BEFORE AN APPELLATE COURT, ON ANY ISSUES RELATING TO THE CONVICTION AND SENTENCE. THE UNDERSIGNED REPRESENTS THAT THIS WAIVER IS BEING VOLUNTARILY, KNOWINGLY AND UNDERSTANDINGLY EXECUTED, OF THE DEFENDANT'S OWN FREE WILL.

Adrian Diaz
DEFENDANT.

THE UNDERSIGNED ATTORNEY REPRESENTS THAT PRIOR TO THE SIGNING OF THE FOREGOING WAIVER, THE ABOVE NAMED DEFENDANT WAS FULLY ADVISED OF THE RIGHTS OF A CONVICTED PERSON TO TAKE AN APPEAL UNDER THE LAWS OF THE STATE OF NEW YORK.

THE UNDERSIGNED FURTHER REPRESENTS THAT, IN MY PROFESSIONAL OPINION, THE ABOVE WAIVER BY THE DEFENDANT OF THE RIGHT TO APPEAL WAS VOLUNTARILY, KNOWINGLY AND UNDERSTANDINGLY MADE AND RECOMMENDS TO THE COURT THAT THE WAIVER BE APPROVED.

Laura Jeff
COUNSEL FOR DEFENDANT.

THE FOREGOING WAIVER WAS EXECUTED IN OPEN COURT BEFORE ME AS THE TRIAL JUSTICE. THE FOREGOING WAIVER WAS DISCUSSED WITH THE DEFENDANT AND HIS ATTORNEY.

[Signature]
TRIAL JUSTICE

SUPREME COURT OF THE STATE OF NEW YORK
County of Kings : Criminal Term

Defendant Adrian Diaz
 Address 193 Stockholm St
Brooklyn, N.Y.

ORDER
SCI
 Indictment # 12753-93
 Justice Alan Meyer
 Date Dec 15, 1993

The Defendant is **ORDERED** to pay:

- [] Fine of \$ _____ to be paid by _____
- [] *Mandatory Surcharge of \$ _____ to be paid by _____
- [X] *Crime Victim's Assistance Fee of \$ 5- to be paid by Feb 9, 1994

*Not applicable if Restitution/Reparation is imposed.

Payment can be made in cash; also by money order, bank or certified check made payable to **SUPREME COURT KINGS**.

- [] Restitution or Reparation of \$ _____ + \$ _____ (5%) = \$ _____ payable through the Probation Department. The 5% surcharge is mandatory (PL 60.27).

NOTE: PURSUANT TO CPL § 420.10 and CPLR § 5016, A JUDGMENT WILL BE ENTERED WITH THE COUNTY CLERK TO COLLECT ANY MONEYS NOT PAID.

You are directed to present this order **IMMEDIATELY** to:

Criminal Term Clerk's Office
 Room 1047
 360 Adams Street
 Brooklyn, New York 11201

BY ORDER OF THE COURT

[Signature]
 Court Clerk

[Signature]
 Defendant

SUPREME COURT OF THE STATE OF NEW YORK
ADVISEMENT TO DEFENDANT

YOUR FAILURE TO CONFORM TO ANY OF THE FOLLOWING CONDITIONS OF YOUR PROBATION, INCLUDING THE FAILURE TO REPORT TO YOUR PROBATION OFFICER, IS A VIOLATION OF PROBATION.

YOU HAVE A RIGHT TO BE PRESENT AT ANY HEARING TO DETERMINE WHETHER A VIOLATION OF PROBATION HAS OCCURRED. IF YOU INTENTIONALLY ABSENT YOURSELF FROM THE COURT'S JURISDICTION OR INTENTIONALLY FAIL TO APPEAR AT A VIOLATION OF PROBATION HEARING, A HEARING MAY BE HELD IN YOUR ABSENCE AND A REVOCATION OF YOUR PROBATION MAY RESULT.

Supreme COURT OF the STATE of New York
COUNTY OF KINGS

PEOPLE OF THE STATE OF NEW YORK,

against ADRIAN DIAZ

SEE 12753-93
Ind. Docket No.

CONDITIONS OF PROBATION

Defendant.

THE ABOVE-NAMED DEFENDANT HAVING BEEN

X convicted of the crime of CPCS 70 280.03
found to be a youthful offender for the criminal act of _____

in the criminal action entitled above,

and having been sentenced to:

X a Three term of imprisonment, and to
a Three year period of probation to expire on 12.14.96, unless terminated sooner in accordance with the Criminal Procedure Law.
and to pay a fine in the amount of \$ _____
it is

ORDERED, that during the period of probation the defendant shall comply with the following conditions and any other conditions which the Court may impose at any time prior to the expiration of the period of probation:

PROBATION CONDITIONS—THE PROBATIONER SHALL:

- X 1. Report to a probation officer as directed by the Court or the probation officer and permit the probation officer to visit his or her place of abode or elsewhere.
 - A) Report immediately to 104 E 810 JERSEY ST REYN, NY
 - B) Upon release from custody report immediately to _____
- X 2. Remain within the jurisdiction of the Court unless granted permission to leave by the Court or the probation officer.
- X 3. Answer all reasonable inquiries by the probation officer and notify the probation officer prior to any change in address or employment.
- X 4. Refrain from violating any federal, state or local law; notify the probation officer if arrested or questioned by any law enforcement official.
- X 5. Avoid injurious or vicious habits.
- X 6. Refrain from frequently unlawful or disreputable places.
- X 7. Refrain from consorting with disreputable persons.
- X 8. Work faithfully at a suitable employment or pursue a course of study or vocational training that can lead to suitable employment.
- X 9. Support his or her dependents and meet other family responsibilities.
- X 10. Undergo available medical or psychiatric treatment and remain in a specified institution when required for that purpose or directed by the Court or probation officer.
- X 11. Participate in an alcohol or substance abuse program approved by the Court. if needed
12. Make restitution or reparation in the amount of \$ _____ for the benefit of _____
 Name of Victim
 at a rate of \$ _____ per _____, to be paid in full by _____
 Time Frame
 Date Prior to
 Expiration of Sentence
 Pay such restitution or reparation, together with a designated surcharge of \$ _____ to _____
 Name of Restitution Agency
13. Perform services for a public or not-for-profit corporation, association, institution or agency, as follows: _____
14. Spend a specified part of this sentence at a division for youth facility or attend a nonresidential program pursuant to P.L. §85.10(2) (i), as follows: _____
15. Post a bond or security in the amount of \$ _____ for the performance of any or all conditions imposed.
16. Observe the specified conditions or conduct as set forth in an order or protection issued pursuant to CPL §530.12
17. Comply with the following conditions which the court deems to be reasonably related to his or her rehabilitation: Drug Testing
& Counseling if needed
18. Obey the directions given by the probation officer to insure compliance with the Conditions of Probation.

Dated:

Brooklyn
DEC 15 1993
New York

ENTER

Justice/Judge

RECEIPT

I have this day received a copy of the foregoing Conditions of Probation.

Dated:

12/15/93

ADRIAN DIAZ
(Signature)

Defendant

(Signature)

Witness (Court Clerk)

(Signature)

EXHIBIT

D

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

Defendant manuel rna Indictment No. 12753-93

ARRAIGNMENT

Defendant advised pursuant to Section 210.15 CPL
 and pleads Not Guilty.

Date NOV 1 1993 Judge JOHN J. BRYAN Part N-1

A.D.A. Ameno Counsel for Defendant Pisano ☐ Present ☐ Not Present

Address of Counsel _____
☒ Legal Aid Society ☐ Assigned under Art. 18-B County Law ☐ Retained

Bail Conditions: ☐ \$ _____ Bail Continued

☐ Remanded, Bail \$ _____
☐ Remanded, No Bail ☐ R.O.R. ☒ R.O.R. Continued

☐ Dismissed ☐ Abated Date _____ Judge _____ Part _____
☐ Consolidated into: _____
☐ Covered under: _____

GUILTY PLEA

Date NOV 1 1993 Judge _____ Part N-1

☒ Before trial ☐ During trial ☐ After trial

☐ Jury ☒ **TRIAL** ☐ Non-jury

Judge _____ Part _____

A.D.A. _____

Counsel for defendant _____

Clerk(s) _____

Court Reporter(s) _____

Dates on Trial _____

Disposition:

Indictment No.(s) ☐ consolidated herein:
☐ covered herein:

Crim. Ct. Docket No.(s) covered herein:

Plea recommended by A.D.A. Ameno

Counsel present Pisano

Clerk Ameno

Court Reporter Ameno

Date of Disposition _____

DEFENDANT'S PEDIGREE

True Name _____ Sex ☒ Male ☐ Female Race _____

Age _____ Residence _____

PENDING SENTENCE

Date 12-15 ☐ Remanded, No Bail ☐ Remanded, Bail \$ _____
☐ Bail Continued ☒ R.O.R. Continued

2N

Date 1-11-94 Judge Alan Meyer Part N2
Counsel present Pisano Clerk Brackett Court Reporter _____
Sentence 5 yrs Prob YO GRANTED MSC CVAE/NA LS
RTA-W ROR CONT

Crime Victim Fee \$ _____
Mandatory Surcharge \$ _____
() Surcharge for arrest, no record
Date of arrest 3/30/93 - 3/30/94
() License suspended 0 months
() Waived, see record

[illegible]

AT A TRIAL TERM OF THE SUPREME
COURT OF THE STATE OF NEW YORK
HELD IN AND FOR KINGS COUNTY
AT THE KINGS COUNTY COURTHOUSE
ON THE 1ST DAY OF November
1993

P R E S E N T:

HONORABLE A. Meeker

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

XP. MANUEL NOTA
DEFENDANT

SUPERIOR COURT
INFORMATION NO. 12753/93

IT APPEARING TO THE SATISFACTION OF THE COURT FROM THE
PROCEEDINGS HELD:

THAT THE WAIVER OF HEARING EXECUTED BY THE DEFENDANT
COMPLIES WITH THE PROVISIONS OF SECTION 180.10 OF THE CRIMINAL
PROCEDURE LAW AND THAT THE WAIVER WAS KNOWINGLY AND INTELLIGENTLY
EXECUTED BY THE DEFENDANT IN THE PRESENCE OF COUNSEL, AND FURTHER,

THAT THE WAIVER OF INDICTMENT EXECUTED BY THE DEFENDANT
COMPLIES WITH THE PROVISIONS OF SECTIONS 195.10 AND 195.20 OF THE
CRIMINAL PROCEDURE LAW AND THAT THE WAIVER WAS KNOWINGLY AND
INTELLIGENTLY EXECUTED BY THE DEFENDANT IN THE PRESENCE OF COUNSEL,

IT IS HEREBY ORDERED THAT THE DEFENDANT BE HELD FOR ACTION
OF THE GRAND JURY PURSUANT TO SECTION 180.30 OF THE CRIMINAL
PROCEDURE LAW, AND IT IS FURTHER,

ORDERED THAT THE DEFENDANT'S WAIVER OF INDICTMENT IS
APPROVED AND ACCEPTED PURSUANT TO SECTION 195.30 OF THE
CRIMINAL PROCEDURE LAW.

[Signature]
JUSTICE OF THE SUPREME COURT

**** DCSJ 1020 FOR SUP CT INFO ****

SUPERIOR COURT INFORMATION

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

XP. MANUEL NOTA
DEFENDANT
93K052542

SUPERIOR COURT
INFORMATION NO. 12753/93
GRAY ZONE

CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE
CSCS 3 P.L. 220.39 AFO: N SEX CRIME:

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

XP. MANUEL NOTA
DEFENDANT

SUPERIOR COURT
INFORMATION NO. 12753/93

THE DEFENDANT STATES THAT HE HAS READ SUPERIOR COURT
INFORMATION 12753/93 AND FURTHER STATES THAT:

UNDER SECTION 180.10 OF THE CRIMINAL PROCEDURE LAW,
HE HAS A RIGHT TO A PROMPT HEARING UPON THE ISSUE OF
WHETHER THERE IS SUFFICIENT EVIDENCE TO WARRANT THE COURT
IN HOLDING HIM FOR THE ACTION OF A GRAND JURY AND;

UNDER THE CONSTITUTION OF THE STATE OF NEW YORK, HE HAS THE
RIGHT TO BE PROSECUTED BY INDICTMENT FILED BY A GRAND JURY;

THE DEFENDANT WAIVES SUCH RIGHTS AND CONSENTS TO BE PROSECUTED
BY SUPERIOR COURT INFORMATION FILED BY THE DISTRICT ATTORNEY AND;

THE SUPERIOR COURT INFORMATION FILED SHALL CHARGE THE
FOLLOWING OFFENSE:

CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE
THIRD DEGREE

THE SUPERIOR COURT INFORMATION FILED WILL HAVE THE SAME
FORCE AND EFFECT AS AN INDICTMENT FILED BY A GRAND JURY.

manuel nota
DEFENDANT

S. Pisan
DEFENSE ATTORNEY

THE DISTRICT ATTORNEY OF THE COUNTY OF KINGS
CONSENTS TO THE WAIVER OF INDICTMENT.

CHARLES J. HYNES
DISTRICT ATTORNEY

BY: *Charles J. Hynes*
ASSISTANT DISTRICT ATTORNEY

STATE OF NEW YORK

SUPREME COURT, KINGS COUNTY

PEOPLE OF THE STATE OF NEW YORK,

PLAINTIFF

v

MANUEL NOTA

DEFENDANT.

WAIVER OF
RIGHT TO APPEAL

SUPERIOR COURT
INFORMATION NO. 12753/93

THE UNDERSIGNED DEFENDANT HEREBY WAIVES THE RIGHT TO APPEAL ANY PLEA AND SENTENCE. THE UNDERSIGNED EXECUTES THIS WAIVER AFTER BEING ADVISED BY THE COURT OF THE NATURE OF THE RIGHTS BEING WAIVED. THE UNDERSIGNED HAS BEEN ADVISED OF THE RIGHT TO TAKE AN APPEAL (CPL 450.10), TO PROSECUTE THE APPEAL AS A POOR PERSON AND TO HAVE AN ATTORNEY ASSIGNED IN THE EVENT THAT THE UNDERSIGNED IS INDIGENT, AND TO SUBMIT A BRIEF AND/OR ARGUE BEFORE AN APPELLATE COURT, ON ANY ISSUES RELATING TO THE CONVICTION AND SENTENCE. THE UNDERSIGNED REPRESENTS THAT THIS WAIVER IS BEING VOLUNTARILY, KNOWINGLY AND UNDERSTANDINGLY EXECUTED, OF THE DEFENDANT'S OWN FREE WILL.

manuel nota
DEFENDANT.

THE UNDERSIGNED ATTORNEY REPRESENTS THAT PRIOR TO THE SIGNING OF THE FOREGOING WAIVER, THE ABOVE NAMED DEFENDANT WAS FULLY ADVISED OF THE RIGHTS OF A CONVICTED PERSON TO TAKE AN APPEAL UNDER THE LAWS OF THE STATE OF NEW YORK.

THE UNDERSIGNED FURTHER REPRESENTS THAT, IN MY PROFESSIONAL OPINION, THE ABOVE WAIVER BY THE DEFENDANT OF THE RIGHT TO APPEAL WAS VOLUNTARILY, KNOWINGLY AND UNDERSTANDINGLY MADE AND RECOMMENDS TO THE COURT THAT THE WAIVER BE APPROVED.

COUNSEL FOR DEFENDANT.

THE FOREGOING WAIVER WAS EXECUTED IN OPEN COURT BEFORE ME AS THE TRIAL JUSTICE. THE FOREGOING WAIVER WAS DISCUSSED WITH THE DEFENDANT AND HIS ATTORNEY.

[Signature]

TRIAL JUSTICE

SUPERIOR COURT INFORMATION

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

XP. MANUEL NOTA
DEFENDANT
93K052542

SUPERIOR COURT
INFORMATION NO. 12753/93
GRAY ZONE

CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE THIRD
DEGREE

FIRST COUNT

THE DISTRICT ATTORNEY OF THE COUNTY OF KINGS BY THIS
INFORMATION ACCUSES THE DEFENDANT OF THE CRIME OF CRIMINAL SALE
OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE [P.L. 220.39]
COMMITTED AS FOLLOWS:

THE DEFENDANT, ON OR ABOUT OCTOBER 14, 1993, IN THE
COUNTY OF KINGS, KNOWINGLY AND UNLAWFULLY SOLD A NARCOTIC DRUG,
NAMESLY: CRACK COCAINE, TO A PERSON KNOWN TO THE GRAND JURY.

CHARLES J. HYNES

DISTRICT ATTORNEY

COURT ORDER FOR INVESTIGATION AND REPORT
To: New York City Department of Probation☒ Supreme Court, Kings County ☐ N.Y.C. Criminal Court, Kings CountyDate 10/1/93 Judge McGeeDocket / Indictment no. SCI-1075393 N.Y.S.I.D. 7.5.2.2.9.9.8.M In custody: ☐ yes ☒ no
B & C:DEFENDANT: NOTA Last name, first manuel AKAADDRESS: 159 50 2nd ST Apt 2 floor 412175 date of birth
City Bklyn State NY Zip code Telephone no.CONVICTED OF: CS15310 Offense, section, law
Adjudicated as:BY: ☒ Plea ☐ trial on 11/1/93 (date)ATTORNEY: Risano Address: IASSentence Date 12-15 Sentence Part 2N A.D.A. Romano

REPORT ORDERED:

☒ Pre-Sentence Investigation. ☐ Certificate of Relief from Disabilities.☐ Update - previous Investigation ordered on _____ (date)☐ Pre-Pleading Investigation (PPI Consent attached)-to be submitted on _____ (date)☐ P.S.I. Waived (Sentenced to Probation). ☐ other _____

Special instructions/additional information (co-defendant's name, pending cases, etc.)

Details of any SENTENCE AGREEMENT the Court made with the Defendant:

40 syns P403

THE DEFENDANT IS INSTRUCTED TO REPORT IMMEDIATELY TO THE PROBATION DEPARTMENT

at 210 Joralemon St, 11th floor, by B Court Clerk

PROBATION	Accusatory instrument, ROR Report, & Criminal History Record attached to original.	
	Prior case no.	New case no.
	<input type="checkbox"/> Records checked	<input type="checkbox"/> Return date logged

original: prob. dept.

yellow: defendant

pink: court file

(CR-2400) 4/93

SUPREME COURT OF THE STATE OF NEW YORK
ADVISEMENT TO DEFENDANT

YOUR FAILURE TO CONFORM TO ANY OF THE FOLLOWING CONDITIONS OF YOUR PROBATION, INCLUDING THE FAILURE TO REPORT TO YOUR PROBATION OFFICER, IS A VIOLATION OF PROBATION.

YOU HAVE A RIGHT TO BE PRESENT AT ANY HEARING TO DETERMINE WHETHER A VIOLATION OF PROBATION HAS OCCURRED. IF YOU INTENTIONALLY ABSENT YOURSELF FROM THE COURT'S JURISDICTION OR INTENTIONALLY FAIL TO APPEAR AT A VIOLATION OF PROBATION HEARING, A HEARING MAY BE HELD IN YOUR ABSENCE AND A REVOCATION OF YOUR PROBATION MAY RESULT.

Supreme COURT OF the State of New York
COUNTY OF KINGS

PEOPLE OF THE STATE OF NEW YORK,

against MANUEL META

506
Docket No.

CONDITIONS OF PROBATION

Defendant

THE ABOVE-NAMED DEFENDANT HAVING BEEN

☒ convicted of the crime of _____
☒ found to be a youthful offender for the criminal act of CS CS 3° 220.39

in the criminal action entitled above,
and having been sentenced to:

☒ a five term of imprisonment, and to
☒ a five year period of probation to expire on 1-10-99, unless terminated sooner in accordance with the Criminal Procedure Law.
☒ and to pay a fine in the amount of \$ _____
it is

ORDERED, that during the period of probation the defendant shall comply with the following conditions and any other conditions which the Court may impose at any time prior to the expiration of the period of probation:

PROBATION CONDITIONS—THE PROBATIONER SHALL:

- ☒ 1 Report to a probation officer as directed by the Court or the probation officer and permit the probation officer to visit his or her place of abode or elsewhere.
A) Report immediately to 1044 FL 210 JEROME ST BROOKLYN, NY
B) Upon release from custody report immediately to _____
- ☒ 2 Remain within the jurisdiction of the Court unless granted permission to leave by the Court or the probation officer.
- ☒ 3 Answer all reasonable inquiries by the probation officer and notify the probation officer prior to any change in address or employment.
- ☒ 4 Refrain from violating any federal, state or local law; notify the probation officer if arrested or questioned by any law enforcement official.
- ☒ 5 Avoid injurious or vicious habits.
- ☒ 6 Refrain from frequently unlawful or disreputable places.
- ☒ 7 Refrain from consorting with disreputable persons.
- ☒ 8 Work faithfully at a suitable employment or pursue a course of study or vocational training that can lead to suitable employment.
- ☒ 9 Support his or her dependents and meet other family responsibilities.
- ☒ 10 Undergo available medical or psychiatric treatment and remain in a specified institution when required for that purpose or directed by the Court or probation officer.
- ☒ 11 Participate in an alcohol or substance abuse program approved by the Court. IF NEEDED
- ☒ 12 Make restitution or reparation in the amount of \$ _____ for the benefit of _____

at a rate of \$ _____ per _____ to be paid in full by _____
Time Frame Date Prior to Expiration of Sentence
Pay such restitution or reparation, together with a designated surcharge of \$ _____ to _____
Name of Restitution Agency

- ☒ 13 Perform services for a public or not-for-profit corporation, association, institution or agency, as follows: _____
- ☒ 14 Spend a specified part of this sentence at a division for youth facility or attend a nonresidential program pursuant to P.L. §65.10(2) (i), as follows: _____
- ☒ 15 Post a bond or security in the amount of \$ _____ for the performance of any or all conditions imposed.
- ☒ 16 Observe the specified conditions or conduct as set forth in an order or protection issued pursuant to CPL §530.12.
- ☒ 17 Comply with the following conditions which the court deems to be reasonably related to his or her rehabilitation: Drug Testing & Counseling if needed
- ☒ 18 Obey the directions given by the probation officer to insure compliance with the Conditions of Probation.

Dated: Brooklyn ENTER
Jan 11 19 99 New York

Justice/Judge

I have this day received a copy of the foregoing Conditions of Probation.

Dated: 1/11/99 DP META
Witness (Court Clerk) (Signature)

Defendant

(Signature)

EXHIBIT E

COURT ORDER FOR INVESTIGATION AND REPORT
To: New York City Department of Probation

☒ Supreme Court, Kings County ☐ N.Y.C. Criminal Court, Kings County

Date 11/1/93 Judge Meyer

Docket / Indictment no. SCI-1215397.5.2.3.1.5.5.Q N.Y.S.I.D. 7.5.2.3.1.5.5.Q In custody: ☐ yes ☒ no
 B & C:

DEFENDANT:

DIAZ Adrian

ADDRESS:

193 STOCKHOLM ST Apt. 1 floor 7 date of birth 7.14.74
Bloom NY City State Zip code Telephone no.

CONVICTED OF:

Adjudicated as:

CP1570

BY:

☒ plea ☐ trial on 11/1/93 (date)

ATTORNEY:

SAFT

Address:

Sentence Date

Sentence Part

A.D.A.

REPORT ORDERED:

☒ Pre-Sentence Investigation. ☐ Certificate of Relief from Disabilities.

☐ Update - previous Investigation ordered on _____ (date)

☐ Pre-Pleading Investigation (PPI Consent attached)-to be submitted on _____ (date)

☐ P.S.I. Waived (Sentenced to Probation). ☐ other _____

Special instructions/additional information (co-defendant's name, pending cases, etc.)

Details of any SENTENCE AGREEMENT the Court made with the Defendant:

3 yrs PROB

THE DEFENDANT IS INSTRUCTED TO REPORT IMMEDIATELY TO THE PROBATION DEPARTMENT

at 210 Joralemon St, 11th floor, by [Signature] Court Clerk

PROBATION	Accusatory instrument, ROR Report, & Criminal History Record attached to original.		
	Prior case no.		New case no.
	<input type="checkbox"/> Records checked		<input type="checkbox"/> Return date logged

original: prob. dept.

yellow: defendant

pink: court file

(CR-2400) 4/93

EXHIBIT

F

Arrest Date _____ 19____
Time _____ M.
ARRAIGNMENT
Date _____ 19____

CRIMINAL COURT
FELONY COMPLAINT
OF THE CITY OF NEW YORK

COURT NUMBER
93K052543
County
KINGS COUNTY

Part
The People of the State of New York
PART
PEOPLE OF THE STATE OF N. Y.

#1 DIAZ, ADRIAN (M) 19Y
193 STOCKHOLM STREET #4
BKLYN, NY

93K052542

was represented by himself,
was represented by his own counsel,
was assigned Legal Aid Society counsel for arraignment only,
was assigned Legal Aid Society counsel,
was represented by himself,
was represented by his own counsel,
was furnished with a copy of the accusatory instrument filed against him,
was informed pursuant to Section 510.30-3 CPL,
was informed pursuant to Section 180.10 of the CPL,
waived the requirement that he be informed pursuant to section 180.10 of the CPL,
was informed pursuant to section 180.1 of the VTL,
was served with notice by the District Attorney pursuant to section 710.30-1a of the CPL,
was served with notice by the District Attorney pursuant to section 710.30-1b of the CPL,
was notified by the District Attorney pursuant to section 180.30-1a of the CPL.

Judge
ANTIA RIZZO
OFFICIAL COURT REPORTER

DEFENDANT'S ARE CHARGED WITH:
PL 220.06-5, PL 205.30
BERKEL, CHRIS - 2482 - ESA-3
OFF, NAME SHIELD CMD

VACATION/LEAVE
DUTY CHART

PCT. ARREST SERIAL #
Search Warrant # _____
Executed in this case

OCT 15 1993

ADJOURNMENT

To Date _____
To Date _____
BAIL CONDITION
#1 INS. CO. BAIL BOND
OR CASH BAIL
#2 INS. CO. BAIL BOND
OR CASH BAIL
#3 INS. CO. BAIL BOND
OR CASH BAIL
#4 INS. CO. BAIL BOND
OR CASH BAIL

The defendant, upon being released on his own recognizance, was directed by the Court pursuant to section 510.40 of the CPL:

REQUEST	PRESENT	ABSENT	NOTIFY	EXCUSED
People's Counsel	Officer	Officer	Officer	Officer
Complainant	Complainant	Complainant	Complainant	Complainant
Defendant	Defendant	Defendant	Defendant	Defendant
Attorney	Attorney	Attorney	Attorney	Attorney

SPEEDY TRIAL

Adjournment period to be excluded under:
Sec. 30.30 CPL

Adjournment period to be charged under:
Sec. 30.30 CPL

The defendant, being without counsel, consents to this adjournment after having been advised of his rights under the Speedy Trial Rules and the effect of his consent.

Psychiatric examination ordered:
Custody

Narcotic examination ordered:
Medical attention required

HON. STEPHEN J. ROBERT

JUDGE

DISPOSITION

Hearing Waived.
Hearing Held.
Dismissed.
Held for the Grand Jury.
Grand Jury Presentation Date _____
Supreme Court Appearance _____
Date _____
BAIL CONDITION
#1 INS. CO. BAIL BOND
OR CASH BAIL
#2 INS. CO. BAIL BOND
OR CASH BAIL
#3 INS. CO. BAIL BOND
OR CASH BAIL
#4 INS. CO. BAIL BOND
OR CASH BAIL

The defendant, upon being released on his own recognizance, was directed by the Court pursuant to section 510.40 of the CPL:

Charges reduced to

Converted to an Information.
Converted to a Misdemeanor Complaint.

HON. ALAN J. MEYER

NOV 1 1993

ANTIA RIZZO

PART I
OFFICIAL COURT REPORTER
KINGS COUNTY

Form CRC IF Rev. 2/82

OCT 15 1993

RECORD OF COURT ACTION

Form CRC 151.1

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Date	Court Action 1	Adj. Request	Present	Absent	Notify	Excused
Part		People	Officer	Officer	Officer	Officer
Reporter		Defense	Complainant	Complainant	Complainant	Complainant
Judge		Consent	Defendant	Defendant	Defendant	
		Court	Attorney	Attorney	Attorney	
Bail Condition		Reason for Adjournment				
		SPEEDY TRIAL				
		<p>_____ Adjournment period to be excluded under 30.30 CPL</p> <p>_____ Adjournment period to be charged under 30.30 CPL</p> <p>_____ The defendant, being without counsel, consents to this adjournment after having been advised of his rights under the Speedy Trial Rules and the effect of his consent.</p>				
		<p>_____ The defendant, upon being released on his own recognizance, was directed by the Court pursuant to Sec. 510.40 of the CPL.</p>				

Date	Court Action 2 93K052543	Adj. Request	Present	Absent	Notify	Excused
Part		People	Officer	Officer	Officer	Officer
Reporter		Defense	Complainant	Complainant	Complainant	Complainant
Judge		Consent	Defendant	Defendant	Defendant	
		Court	Attorney	Attorney	Attorney	
Bail Condition		Reason for Adjournment				
		SPEEDY TRIAL				
		<p>_____ Adjournment period to be excluded under 30.30 CPL</p> <p>_____ Adjournment period to be charged under 30.30 CPL</p> <p>_____ The defendant, being without counsel, consents to this adjournment after having been advised of his rights under the Speedy Trial Rules and the effect of his consent.</p>				
		<p>_____ The defendant, upon being released on his own recognizance, was directed by the Court pursuant to Sec. 510.40 of the CPL.</p>				

Date	Court Action 3	Adj. Request	Present	Absent	Notify	Excused
Part		People	Officer	Officer	Officer	Officer
Reporter		Defense	Complainant	Complainant	Complainant	Complainant
Judge		Consent	Defendant	Defendant	Defendant	
		Court	Attorney	Attorney	Attorney	
Bail Condition		Reason for Adjournment				
		SPEEDY TRIAL				
		<p>_____ Adjournment period to be excluded under 30.30 CPL</p> <p>_____ Adjournment period to be charged under 30.30 CPL</p> <p>_____ The defendant, being without counsel, consents to this adjournment after having been advised of his rights under the Speedy Trial Rules and the effect of his consent.</p>				
		<p>_____ The defendant, upon being released on his own recognizance, was directed by the Court pursuant to Sec. 510.40 of the CPL.</p>				

Date	Court Action 4	Adj. Request	Present	Absent	Notify	Excused
Part		People	Officer	Officer	Officer	Officer
Reporter		Defense	Complainant	Complainant	Complainant	Complainant
Judge		Consent	Defendant	Defendant	Defendant	
		Court	Attorney	Attorney	Attorney	
Bail Condition		Reason for Adjournment				
		SPEEDY TRIAL				
		<p>_____ Adjournment period to be excluded under 30.30 CPL</p> <p>_____ Adjournment period to be charged under 30.30 CPL</p> <p>_____ The defendant, being without counsel, consents to this adjournment after having been advised of his rights under the Speedy Trial Rules and the effect of his consent.</p>				
		<p>_____ The defendant, upon being released on his own recognizance, was directed by the Court pursuant to Sec. 510.40 of the CPL.</p>				

Court No.

Defendant

RECORD OF COURT ACTION

CRIMINAL COURT OF THE CITY OF NEW YORK

NOTICE OF APPEARANCE

PEOPLE OF THE STATE OF NEW YORK,

against

Ardin, A. A.
Defendant

County

St Part AS 1

Docket Number/Year

93KG52543

Spousal Terrorism

To the Clerk of the Court:

You are hereby notified that I represent the defendant in the above-entitled action.

ATTORNEY

Print Attorney's Name

Michael H. Felder

By

Signature

Address

☐ Legal Aid (Assigned)

☒ County Law (Assigned)

☐ Retained

Telephone

516-675-1892

Area Code - Number

Dated: City of New York

10-15-93

CRC 3014 [CRC 260]
(6/92)

THE PEOPLE OF THE STATE OF NEW YORK
IN SENATE CHAMBER ROOM

V. 93 OCT 15 PM 3:01

STATE OF NEW YORK
COUNTY OF KINGS

ADRIAN DIAZ

DEFENDANT

OFF. CHRIS BERKEL OF PSA-3, SHIELD 2689 SAYS THAT ON OR ABOUT
OCTOBER 14, 1993 AT APPROXIMATELY 1:44PM AT F/O 91 GRAHAM, COUNTY OF
KINGS, STATE OF NEW YORK,

THE DEFENDANT COMMITTED THE OFFENSES OF:
PL 220.03 CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE
IN THE SEVENTH DEGREE
PL 220.06-5 CRIMINAL POSSESSION OF CONTROLLED SUBSTANCE IN
THE 5TH DEGREE
PL 220.16-1 CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE
IN THE THIRD DEGREE
RESISTING ARREST

9310052343

IN THAT THE DEFENDANT DID: KNOWINGLY AND UNLAWFULLY POSSESS A
CONTROLLED SUBSTANCE; KNOWINGLY AND UNLAWFULLY POSSESS A NARCOTIC
DRUG WITH INTENT TO SELL IT; KNOWINGLY AND UNLAWFULLY POSSESS FIVE
HUNDRED MILLIGRAMS OR MORE OF COCAINE; AND INTENTIONALLY PREVENT OR
ATTEMPT TO PREVENT A POLICE OR PEACE OFFICER FROM EFFECTING AN
AUTHORIZED ARREST (AS SPECIFIED BELOW).

THE SOURCE OF DEPONENT'S INFORMATION AND THE GROUNDS FOR DEPONENT'S
BELIEF ARE AS FOLLOWS:

AT THE ABOVE TIME AND PLACE, THE DEPONENT OBSERVED THE DEFENDANT
IN POSSESSION OF A QUANTITY OF WHITE TOP VIALS OF CRACK-COCAINE
CONTAINING 500 MILLIGRAMS OR MORE OF COCAINE WHICH DEPONENT RECOVERED
FROM THE GROUND AT THE DEFENDANT'S FEET.

DEPONENT FURTHER STATES THAT DEFENDANT SWUNG HIS ARMS AROUND AND
REFUSED TO BE HANDCUFFED.

DEPONENT FURTHER STATES THAT DEPONENT HAS HAD PROFESSIONAL
TRAINING AS A POLICE OFFICER IN THE IDENTIFICATION OF CRACK-COCAINE,
HAS PREVIOUSLY MADE ARRESTS FOR THE CRIMINAL POSSESSION OF
CRACK-COCAINE AND HAS PREVIOUSLY SEIZED CRACK-COCAINE WHICH WAS
DETERMINED TO BE SUCH BY A CHEMICAL ANALYSIS BY THE POLICE OFFICE
DEPARTMENT LABORATORY, AND THE SUBSTANCE IN THIS CASE POSSESSES THE
SAME PHYSICAL CHARACTERISTICS AS SUCH PREVIOUSLY CHEMICALLY
IDENTIFIED SUBSTANCE AND BY PROFESSIONAL TRAINING AND EXPERIENCE AS A
POLICE OFFICER, IS FAMILIAR WITH THE COMMON METHODS OF PACKAGING
CRACK-COCAINE AND THE VIALS USED TO PACKAGE THE SUBSTANCE IN THIS
CASE IS A COMMONLY USED METHOD OF PACKAGING SUCH SUBSTANCE.

BASED ON THE FOREGOING, IN DEPONENT'S OPINION, THE SUBSTANCE IN
THIS CASE IS CRACK-COCAINE.

FALSE STATEMENTS MADE IN THIS DOCUMENT ARE
PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT
TO SECTION 210.45 OF THE PENAL LAW.

10/14/93
DATE

P8 C [Signature]
SIGNATURE